

**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Konecki, Director

June 3, 2010

Mr. Dwight Moore
2401 S. Vandemark Rd.,
Sidney, Ohio 45365

CERTIFIED MAIL

Warning Letter

Dear Mr. Moore:

On May 27, 12, 2010, this office conducted an open burning complaint involving open burning and disposal of waste materials at 2401 S. Vandemark Rd. We discovered a burning, smoldering, well contained pile of straw and waste materials.

The fire location is within one mile of the City of Sidney and the waste materials were within one thousand feet of at least two residences not located on your propriety, (please see attached maps).

Please be aware that the open burning constitutes violations of the Ohio Administrative Code (OAC) air pollution rule under OAC Chapter 3745-19-03, and Ohio Revised Code (ORC) Section 3704.11. You are requested to take immediate steps to prevent any additional and/or future violations of the open burning rules on your propriety.

The violations include, but are not limited to the following:

- **The use of open burning for waste disposal purposes; and**
- **The open burning of agricultural waste within one thousand feet from an inhabited building not located on your premise.**

Any subsequent violations will be referred to our Central Office for enforcement action with the recommendation for a significant monetary penalty. The Ohio EPA reserves the right, pursuant to Chapters 3704, 3714, 3734, 3745, and 3750 of the Ohio Revised Code and any other applicable state or federal laws or regulations, to seek civil and/or criminal action, reimbursement of response costs and any other appropriate legal or equitable relief for any violation of law.

Mr. Moore
June 3, 2010
Page 2

During the complaint investigation, you asked for information on the following:

- **Bonfires; and**
- **Possible exemption covering your sandblasting operations.**

Bonfires in a "Restricted Area" for open burning:

There are two OAC rules that regulate "bonfires" in "restricted areas".

Under OAC rule 3745-19-03 (B)(2), a bonfire that is three feet or less in diameter, two feet or less in height, that uses "clean burning fuel", and is not used for "waste disposal" is allowed without notification to or permission from the Ohio EPA.

Under OAC rule 3745-19-03(C)(2), a bonfire that is no greater than five feet in diameter by five feet in height, does not burn for more than three hours, that uses "clean burning fuel", and is not used for "waste disposal" is allowed with prior notification to the Ohio EPA.

Prior notification is defined in OAC rule 3745-19-05(B), which in general requires written information be submitted to the Ohio EPA office at least ten work days prior to the fire.

Possible exemption covering your sandblasting operations:

I have reviewed OAC rules 3745-31-03(A)(1); Permanent exemptions. Under OAC rule 3745-31-03(A)(1)(y) and (z) there are exemptions for sandblasting operations. Rule (A)(1)(y) deals with operations that have add-on control devices, while (z) are uncontrolled but enclosed.

It appears to me that your sandblasting operations may be exempt under OAC rule 3745-31-03(A)(1)(z).

I have attached the above OAC rules for your review and information.

Mr. Moore
June 3, 2010
Page 3

If you have any questions or comments, or wish to discuss this matter further, please feel free to contact me at (937)285-6063.

Sincerely,



Craig Osborne
Environmental Specialist
Southwest District Office
Division of Air Pollution Control

CO/ka

cc:
ec: John Paulian, CO/DAPC
Lisa Holscher U.S. EPA, Region V
Tom Schneider, SWDO/DAPC
Craig Osborne, SWDO/DAPC
George Strobel, SWDO/DHWM
Chief Stan Crosley, Sidney Fire Department